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| 10/658,228 | 09/08/2003 | Yun-Lung Chen | | 2697 |
| 25859 | 7590 | 06/02/2006 | EXAMINER | |
| WEI TE CHUNG FOXCONN INTERNATIONAL, INC. 1650 MEMOREX DRIVE SANTA CLARA, CA 95050 | | | TRAN, HANH VAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3637 | |

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,228

Applicant(s)

CHEN, YUN-LUNG

Examiner

Hanh V. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 3/8/2006.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in claim 1 of the expanded head portion "slid into the smaller zone" must be shown or the feature(s) canceled from the claim(s) (the drawings appear to show the "neck portion" of the pivot means slid into the smaller zone, NOT the expanded head portion.) No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the limitation in claim 1 of the expanded head portion "slid into the smaller zone".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5-6, 8-11, 13-14, 16-17, 19-20 stand rejected under 35 U.S.C. 102(e) as being anticipated by USP 6,529,371 to Laio.

Laio discloses a mounting assembly comprising all the elements recited in the above listed claims including, such as shown in Figs 3-5, a chassis 14 comprising a front panel having a plurality of fixing slots (40,54), and mounting openings (37,51), each mounting opening having a large zone and a smaller zone communicating with each other; a bezel 100 comprising a plurality of hooks 104, a plurality of posts 102, at least one pivot means provided at the posts and having an expanded head portion;

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wherein the pivot means is engaged/integrally formed with a distal end of the post, and comprises a head portion and a fixing portion engaged the post; the hook is resilient and forms a barb at a distal end thereof; wherein the at least one pivot means can be extended through the large zone of the at least one mounting opening and slid into the smaller zone of the at least one mounting opening, thereby pivotally attaching the bezel to the chassis, and the hooks can be engaged in the fixing slots thereby securely mounting the bezel on the chassis.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 7 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Laio in view of USP 5,660,297 to Liu.

Laio discloses all the elements as discussed above except for the post defined a fixing hole in a distal end thereof, and the pivot means is a screw engaged in the fixing hole of the post.

Liu teaches an alternate structure of a mounting assembly comprising a chassis defining at least one mounting opening 24, a bezel 20 having at least one post 33 corresponding to said mounting opening 24, a pivot means 31 provided at the post, with the post 33 defines a fixing hole 34 in a distal end thereof, and the pivot means is a screw 32 engaged in the fixing hole of the post; wherein the structure of the post and the pivot means provides a secured engaging with the mounting opening of the chassis. Therefore, it would have been obvious to modify the structure of Laio by providing the post with a fixing hole in a distal end thereof, and the pivot means being a screw engaged in the fixing hole of the post in order to provide a secured engaging with the mounting opening of the chassis, as taught by Liu, since both teach alternate conventional mounting assembly structure, used for the same intended purpose, thereby providing structure as claimed.

9. Claims 1-6, 8-14, 16-17, 19-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0185944 to Chen in view of USP 6,530,628 to Huang et al.

Chen discloses a mounting assembly comprising all the elements recited in the above listed claims including, such as shown in Fig 1, a chassis 10 comprising a front panel having a plurality of fixing slots, and mounting openings 11; a bezel 20 comprising a plurality of hooks 22, a plurality of posts 21, at least one pivot means provided at the posts; the hook is resilient and forms a barb at a distal end thereof. The differences

being that Chen does not disclose each mounting opening having a large zone and a smaller zone communicating with each other, wherein the pivot means is engaged/integrally formed with a distal end of the post, and comprises an expanded head portion and a fixing portion engaged the post.

Huang et al discloses a mounting assembly comprising, such as shown in Figs 2-3, a chassis 2 having a mounting opening 22 comprising a large zone and a smaller zone being elliptical (in the vertical direction), and rectangular (in the horizontal direction); a plate having a post 12 having a pivot means being engaged/integrally formed with a distal end of the post, and comprises an expanded head portion and a fixing portion engaged the post; wherein the pivot means can be extended through the large zone and slid into the smaller zone, thereby pivotably attaching the plate 2 to the chassis; wherein the structure of the mounting opening and the pivot means provides easy attachment of the plate to the chassis, and facilitates pivoting of the plate relative to the chassis. Therefore, it would have been obvious to modify the structure of Chen by providing the mounting opening with a large zone and a smaller zone communicating with each other, with the large and smaller zone being elliptical (in the vertical direction), and rectangular (in the horizontal direction), wherein the pivot means is engaged/integrally formed with a distal end of the post, and comprises an expanded head portion and a fixing portion engaged the post; wherein the pivot means can be extended through the large zone and slid into the smaller zone, thereby pivotably attaching the plate 2 to the chassis; wherein the structure of the mounting opening and the pivot means provides easy attachment of the plate to the chassis, and facilitates

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pivoting of the plate relative to the chassis, as taught by Huang et al, since both teach alternate conventional mounting opening and pivot means structure, used for the same intended purpose, thereby providing structure as claimed.

Response to Arguments

10. Applicant's arguments filed 3/8/2006 have been fully considered but they are not persuasive. In response to applicant's argument that Laio fails to disclose the front panel defining at least one mounting opening comprising a large zone and a smaller zone communicating with each other, and the hook 102 of the bezel does not extend through the large zone of the protrusions (37,51) and does not slide into the smaller zone of the protrusions (37,51), the examiner takes the position the claimed language fails to provide adequate structural limitation in describing the at least one mounting opening in order to distinguish from the prior art of record. Further, as can be seen in figure 5, the large zone is defined as the portion above the protrusions, and the smaller zone is defined as the portion which engaged the distal end of member 102.

11. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Chen and Huang et al are drawn to computer housing, classified in the same U.S. Classification,

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and in this case Huang et al teaches the idea of providing an easy attachment of the plate to the chassis, and to facilitate pivoting of the plate relative to the chassis.

12. In response to applicant's argument on page 10 that "there is no desirability in Chen for a person having ordinary skill to modify the bezel fastening structure as Huang", the examiner takes the position that as stated in the above art rejection, the desirability or motivation to modify the bezel fastening structure as Huang is in order to provide an easy attachment of the plate to the chassis, and to facilitate pivoting of the plate relative to the chassis.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen '336, Liu et al '333, Chen et al '593, Neukam et al, and Miller et al all show structures similar to various elements of applicant's disclosure.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*
May 26, 2006

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